

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 013880
Person: Patrick Fraser
License Type & Class: Not licensed
Process: Section 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$25,000 (see Schedule 2 of the Bylaws)

Payment

This Penalty must be paid **within 30 days** of the date this Notice was issued.

If you fail to pay the Penalty the Registrar may commence collection under Part 6 of the *Real Estate Act*.

If you pay the Penalty

- You will have satisfied the Administrative Penalty and no further proceedings under Part 6 will be taken against you.
- You cannot be charged under the *Real Estate Act* with an offence for the contravention(s) in this Administrative Penalty.

TO: Patrick Fraser

The Registrar of the Real Estate Council of Alberta (RECA) is of the opinion you have contravened **section 17(c) of the *Real Estate Act***.

Section 17 - License Required

17 No person shall

(a) trade in real estate as a real estate broker,

(b) deal as a mortgage broker,

(c) act as a property manager, or

(d) advertise himself or herself as, or in any way hold himself or herself out as, a mortgage broker, real estate broker or property manager

unless that person holds the appropriate authorization for that purpose issued by the Industry Council.

Particulars of the contravention(s):

1. Between September 2020 and October 2020, you were holding rent funds on behalf of the owner for the property [ADDRESS] (Property) contrary to section 17(c) of the *Real Estate Act*:
 - a) You were a director of Success Landlord Services Ltd. Your company, Success Landlord Services Ltd. began managing the property around April 2019. On behalf of the owner, you advertised and showed the Property for rent, negotiated a lease, and collected rent from the tenant.
 - b) During September 2020, you were holding rental funds on behalf of the owner. You sent \$500 to the owner. This activity was acting as a property manager and required a license.
 - c) During October 2020, you were holding rental funds on behalf of the owner. You sent \$1,200 to the owner. This activity was acting as a property manager and required a license.
2. You have failed to respond or provide any information asked for in the investigation.

Aggravating Factors

- You were warned by RECA about licensing requirements and continued to provide services that required a licence. You continue to offer services to the public that require a licence. RECA must issue a severe penalty to deter your activities.
- You have failed to cooperate with multiple RECA investigations.
- Unlicensed persons who provide services that require a license put consumers at serious risk. Often, they do not have the required RECA education or proper errors and omissions insurance. Consumers working with unlicensed persons do not get protection under the Real Estate Assurance Fund.

Appeal

You have the right to appeal this Administrative Penalty to a Hearing Panel. See **section 83.1 of the *Real Estate Act*** for what you must do to appeal.

In an appeal you will be given a full opportunity consistent with procedural fairness and natural justice to present evidence before the Hearing Panel in relation to the contraventions alleged.

Your written notice of appeal must comply with section 83.1 and must be received by the Registrar **within 30 days** of you receiving this Administrative Penalty.

If you appeal, payment of the Penalty will not be required until an order to pay a penalty is issued by the Hearing Panel. If you have any questions regarding particulars or the appeal process, please contact:

Name: [J.C], Investigator
Email: [EMAIL]
Phone: 403.228.2954; Toll Free: 1.888.425.2754
Fax: 403.228.3065
Address: Real Estate Council of Alberta
Suite 202, 1506 11 Avenue SW
Calgary, Alberta, T3C 0M9

Issued at Calgary, Alberta, on May 8, 2023.

"Signature"

Warren Martinson, Registrar
Real Estate Council of Alberta